UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:21-cv-146-RJC-DSC

CARLOS A. VILLANUEVA,)	
Plaintiff,)))	
VS.)	
MUNICIPALITY OF THE STATE OF ALASKA, et al.,)	<u>ORDER</u>
Defendants.) _) _)	

THIS MATTER is before the Court *sua sponte*.

Plaintiff filed a *pro se* Complaint purporting to proceed under the Court's federal question and diversity jurisdiction. (Doc. No. 1). In an Order issued on April 13, 2021, the Court granted Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review pursuant to 28 U.S.C. § 1915 as frivolous and for failure to state a claim upon which relief can be granted. (Doc. No. 3). The Court granted Plaintiff the opportunity to amend the Complaint within 30 days and cautioned him that the failure to do so would likely result in this action's dismissal without prejudice and without further notice. (<u>Id.</u>).

Plaintiff failed to amend his Complaint in accordance with the April 13 Order and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); <u>Link v. Wabash R.R. Co.</u>, 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- 1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's April 13, 2021 Order.
- 2. The Clerk of this Court is directed to terminate this action.

Signed: May 24, 2021

Robert J. Conrad, Jr.

United States District Judge